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SENATE BILL NO. 230

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact §§ 24.2-901 and 24.2-910 of the Code of Virginia, relating to campaign finance disclosure; definitions; independent expenditures.

Patrons—O'Brien and Lambert

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-901 and 24.2-910 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-901. Definitions.**

A. As used in this chapter, unless the context requires a different meaning:

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Contribution" means money and services of any amount, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of any primary filing fee.

"Expenditure" means money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, inaugural committee, or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Inaugural committee" means any committee that anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person, *candidate campaign committee*, or political committee that is not made to, controlled by, coordinated with, or made upon consultation with a candidate, his campaign committee, or an agent of the candidate or his campaign committee. *"Independent expenditure" includes an expenditure made by a candidate campaign committee (i) that is not related to the candidate's own campaign and (ii) that is not made to, controlled by, coordinated with, or made with the authorization of a different candidate, his campaign committee, or an agent of that candidate or his campaign committee.*

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, other than a campaign committee or political party committee, established or maintained in whole or in part to receive and expend contributions for political purposes.

"Political committee" means any state political party committee, congressional district political party committee, county or city political party committee for a county or city with a population of more than 100,000, organized political party group of elected officials, political action committee, other committee, person or group of persons which receives contributions or makes expenditures for the purpose of influencing the outcome of any election. The term shall not include: (i) a campaign committee; (ii) a political party committee exempted pursuant to § 24.2-911; or (iii) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to Article 4 (§ 24.2-914 et seq.) of this chapter or independent expenditures which are reportable by him to the extent required by subsection B of § 24.2-910, or a combination of such reportable contributions and independent expenditures.

B. For the purpose of applying the filing and reporting requirements of Article 3 (§ 24.2-908 et seq.) and Article 4 of this chapter, the terms "person," "political action committee," and "political committee" shall not include an organization holding tax-exempt status under § 501 (c) (3) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

§ 24.2-910. Persons and political committees required to file disclosure reports; filing deadline.

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59 A. Any political committee required to file a statement of organization by § 24.2-908 shall be
60 required to maintain records and file disclosure reports as provided in Article 4 (§ 24.2-914 et seq.) of
61 this chapter. Any report required to be filed by a political committee with the State Board shall be
62 deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the
63 deadline for filing the report.

64 B. Any person ~~who is not a, candidate campaign committee, or~~ political committee ~~and who that~~
65 makes independent expenditures, in the aggregate, in excess of ~~\$500~~ *\$1,000* for a ~~statewide~~ *an* election
66 ~~or \$200 for any other election~~ shall maintain records and report pursuant to Article 4 of this chapter all
67 such independent expenditures including:

68 1. Any funds expended for the purpose of influencing the outcome of any election for public office;
69 and

70 2. Any funds expended to publish or broadcast to the public any material referring to a candidate by
71 name, description, or other reference and (i) advocating his election or defeat, (ii) setting forth his
72 position on any public issue, voting record, or other official acts, or (iii) otherwise designed to influence
73 individuals to cast their votes for or against him or to withhold their votes from him.